CITY COUNCIL, CITY OF LODI CITY HALL COUNCIL CHAMBERS WEDNESDAY, AUGUST 3, 1988 7:30 P.M.

ROLL CALL

Present:

Council Members - Hinchman, Olson, Reid,

Snider and Pinkerton (Mayor)

Absent:

Council Members - None

Also Present:

City Manager Peterson, Assistant City

Manager Glenn, Community Development Director Schroeder, Public Works Director Ronsko, City Attorney McNatt, and City Clerk

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INVOCATION

The invocation was given by Pastor Bob Mattheis, St.

Paul's American Lutheran Church.

PLEDGE OF ALLEGIANCE

CC-37

The Pledge of Allegiance was led by Mayor Pinkerton.

**PRESENTATIONS** 

**PROCLAMATIONS** 

Mayor Pinkerton presented a proclamation for "Export Now

Week" to aid in the promotion and growth of export

opportunities for Lodi businesses.

CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Reid, Olson second, approved the following items hereinafter set

orth.

Agenda item E-7 entitled, "Approve renewal agreement with ADJUSTCO (formerly Leonard J. Russo Insurance Services, Inc.) for worker's compensation claims administration for 1988-89 and authorize the City Manager and City Clerk to execute the agreement on behalf of the City" was pulled from the agenda.

CLAIMS CC-21(a)

Claims were approved in the amount of \$3,160,802.55.

MINUTES

The Minutes of July 6, 1988 were approved as written.

SPECIFICATIONS FOR PADMOUNT AND POLEMOUNT TRANSFORMERS APPROVED

The City Council approved the specifications for the purchase of, and authorized the advertisement of the bids for, the following padmount transformers:

Three-Phase Single-Phase 37.5 KVA 10 15 50 **KVA** 2 75 KVA 15 100 KVA 5 112.5 KVA KVA 2 150 2 300 KVA \_ 500 3 **KVA** 1000 1 KVA 11 45

The transformers will be used to serve new customer loads and to maintain an inventory for emergencies and other needs as they develop. Two of the specific projects requiring transformers are The Fountains and The Meadows Unit II.

The estimated cost of this purchase is \$125,000, with delivery expected in about 5 months.

Funding is available in the Electric Utility Department's operating fund.

The bid opening date was set for August 23, 1988.

Further, the City Council approved the specifications for the purchase of, and authorize the advertisement of bids for, the following pole-mounted transformers:

		C.P.	Conventional
15	KVA	5	15
25	KVA	10	13
37.5	KVA	10	13
50	KVA	10	18
75	KVA	5	5
100	KVA	4	6
167	KVA	-	1
		44	71

The transformers will be used for replacements in the PCB change-out program and to maintain an inventory for emergencies and other needs as they develop. The need for an adequate inventory was illustrated during the hot weather in mid-July when 9 transformers failed during a two-day period.

The estimated cost of this purchase is \$100,000, with delivery expected in about five months. Funding is available in the electric Utility Department's operating budget.

Bid opening was set for August 23, 1988.

AWARD - CONTRACT FOR BECKMAN PARK PUMP STATION REMODEL, 1426 WEST CENTURY BOULEVARD

RES. NO. 88-102

CC-12(c)

The City Council adopted Resolution No. 88-102 awarding the contract for the Beckman Park Pump Station Remodel, 1426 West Century Boulevard, to Pacific Mechanical Corporation in the amount of \$332,103.00 and appropriated an additional \$82,000 from the Master Storm Drain fund to complete the project.

The City Council was apprised that this project includes modification of the Beckman Park pump structure, addition of pumps and controls, and miscellaneous work necessary to make the G-Area storm system fully functional.

The Woodbridge Irrigation District had requested that the City monitor its storm drainage discharge into the canal. A flow monitoring device will be installed with this project so that discharge data will be available. A block wall and landscaping will also be installed along Century Boulevard.

Plans and specifications for this project were approved on June 15, 1988.

The City received the following eight bids for this project.

BIDDER	LOCATION	BID
Engineer's Estimate		$$\overline{283},000.00$
Scrimsher & Mineni Corp.	Escalon	256,000.00
Pacific Mechanical	23041011	250,000.00
Corp.	Concord	332,103.00
Kaweah Construction		
Co.	Sacramento	332,500.00
Conco West, Inc.	Manteca	333,300.00
H. Max Lee, Inc.	Lodi	346,000.00
DCM Construction	Sacramento	358,056.00
Alan A. Bradford,		
Inc.	Fairfield	374,640.00
Wayne Fregien		
Engineering	Stockton	377,110.00

Scrimsher & Mineni Corporation asked to have their bid withdrawn. A clerical error had been made in filling out the bid form.

AGREEMENT APPROVED WITH WOODBRIDGE IRRIGATION DISTRICT FOR BECKMAN PARK PUMP STATION REMODEL AT 1425 WEST CENTURY BOULEVARD

RES. NO. 88-103

CC-6 CC-90 The City Council adopted Resolution No. 88-103 approving an agreement with the Woodbridge Irrigation District (WID) for the Beckman Park Pump Station Remodel and authorized the City Manager and City Clerk to execute the document on behalf of the City.

The City Council was informed that the City is doing work at the Beckman Park Pump Station to make the G-Area storm system fully functional. Included in this work is a Parshall Flume which will be used to monitor the City's discharge rate into the canal. The Parshall Flume will be located in the WID right-of-way but maintained by the City.

The agreement with the WID describes the portion of the WID right-of-way where the Parshall Flume will be installed and which the City will now maintain.

This agreement is a supplement to prior agreements dated July 1, 1971 and November 9, 1983.

AMENDED SALARY
RANGES FOR EMPLOYEES
IN THE GENERAL
SERVICES UNIT
APPROVED

RES. NO. 88-104

CC-34

The City Council was apprised that negotiations had been completed with the General Services Unit. This unit has negotiated, among other changes in benefits, salary increases and additional contributions to deferred compensation.

The City Council adopted Resolution No. 88-104 establishing amended salary ranges for employees in the General Services Unit effective July 11, 1988.

COMMENTS BY CITY COUNCIL MEMBERS

JIM POLLARD CONGRATULATED ON HIS ELECTION TO THE BAY AREA SPORTS HALL OF FAME

CC-9

Council Member Olson applauded Jim Pollard on his election to the Bay Area Sports Hall of Fame. Mayor Pinkerton directed the City Clerk to send a letter of congratulations to Mr. Pollard on behalf of the City Council.

TY CAPLIN CONGRATULATED FOR QUALIFYING FOR THE U. S. SENIORS OPEN

Council Member Hinchman applauded Ty Caplin for qualifying for the U.S. Seniors Open.

CC-9

REPORT ON CAMP HUTCHINS VISIT

Council Member Hinchman commented on his recent visit to Camp Hutchins and indicated that he was impressed with the caliber of counselors at the Camp.

INFORMATION
REQUESTED REGARDING
MORTGAGE CREDIT
CERTIFICATES

CC-6 CC-126 Council Member Reid asked the City Manager to check into Mortgage Credit Certificates and report back to the City Council on his findings.

UPDATE REQUESTED ON C-BASIN, THE WILDERNESS AREA AT LODI LAKE PARK AND THE PROPOSED GOLF COURSE AT G-BASIN PARK

CC-27(c) CC-126 Mayor Pinkerton asked the City Manager to prepare an update for the City Council on C-Basin, the Wilderness Area at Lodi Lake Park, and the proposed golf course at G-Basin Park.

COMMENTS BY THE PUBLIC ON NON AGENDA ITEMS

LODI PERSONNEL BOARD OF REVIEW -DAVENPORT MATTER

CC-2(f) CC-34 Mr. Bill Stamos, 1115 South Church Street, Lodí, and Mrs. Ray Davenport, 23324 North Dustin Road, Acampo, addressed the City Council regarding the Davenport Appeal.

ITEM PERTAINING TO PERSONNEL BOARD OF REVIEW REMOVED FROM THE CITY COUNCIL AGENDA

On motion of Mayor Pro Tempore Snider, Reid second, the City Council removed from the agenda, regular calendar item

CC-2(f) CC-34 K-1 - "Consider possible resignation of two members of the Personnel Board of Review; effect upon on-going hearing.

CITIZEN POSES
QUESTIONS REGARDING
TRAILER PARKING ON
BLACK DIAMOND WAY

CC-16 CC-45(i) CC-48(e) Mr. David Shands, Shands'Diesel Truck Repair, 934 Black Diamond Way, addressed the City Council regarding the parking of trailers in that area. Mayor Pinkerton asked that the City Attorney meet with Mr. Shands regarding the matter.

REQUEST FOR HORSE DRAWN WAGON-CARRIAGE CONCESSION AT LODI LAKE PARK

CC-27(c) CC-64 Mr. Dave Smith appeared before the City Council proposing that Wine Country Carriage work a horse drawn wagon-carriage concession at Lodi Lake Park. The City Clerk was directed to place this matter on the agenda for the next City Council meeting.

## PUBLIC HEARINGS

CONSIDER PROPOSED ORDINANCE REGULATING THE NUMBER OF GARAGE SALES

CC-35

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pinkerton called for the Public Hearing to consider the Planning Commission's recommendation that the City Council adopt an ordinance regulating the number and duration of garage sales.

Community Development Director Schroeder apprised the City Council that at the present time the staff has no authority to cite people who conduct continuous garage sales, which are the basis for citizen complaints. The proposed ordinance is not targeted for occasional sales or non-profit groups. Enforcement will be on a complaint basis or observation of blatant violations.

At the present time staff uses friendly persuasion to stop continuous sales. This has proven to be time consuming and in some cases non productive. The neighbors that complain about the sale become upset because of the fact their concerns are being ignored. With the ordinance in place the violators will be asked to stop the sales and conform to the law. If the sale continues beyond the warning date, the person or persons will be cited for violating the Municipal Code.

The following persons addressed the City Council regarding the proposed ordinance:

- a) Ms. Leona V. Miller, 513 East Tokay Street
- b) Mrs. Irma Wolff, 68 Camino Real, Casa de Lodi
- c) Mr. Charles Duncan, 1214 West Lodi Avenue
- d) Ms. Sandy Kretzer, 1215 South School

There being no other persons in the audience wishing to speak on the matter, the public portion of the hearing was closed.

A lengthy discussion followed with questions regarding the matter being directed to staff and to those who had given testimony.

Mayor Pinkerton, with the concurrence of the City Council, directed the City Attorney to draft an appropriate ordinance for City Council review, omitting any reference to permit requirements from the proposed ordinance. Further, Section 9.20.010 of the proposed ordinance entitled, "Garage Sale Defined", shall read as follows:

"Garage sale" shall mean a yard sale, patio sale, garage sale, or any similar sale of merchandise consisting of personal items by an individual or group, for profit, when the merchandise to be sold is offered to the general public, all of which sales shall be conducted within a building and/or on private property in residential zones. "Garage sale" shall not include items purchased for resale.

Further, the proposed ordinance shall include language that would allow for two garage sales a year for a duration of three days each or one garage sale a year for a duration of six days.

PLANNING COMMISSION The City Council was advised that no meeting of the Planning Commission had been held since the Council CC-35 received its last report.

COMMUNICATIONS (CITY CLERK)

CLAIMS CC-4(c)
On motion of Mayor Pro Tempore Snider, Reid second, the
City Council denied the following claim and referred it
back to ADJUSTCO, the City's Contract Administrator:

Leona Miller, DOL 4/19/88 and 5/27/88

ABC LICENSE APPLICATIONS

City Clerk Reimche presented the following applications for Alcoholic Beverage License which had been received:

CC-7(f)

- a) Jeffrey B./Gayle R. Bland, Jack Pot Mini Market, 401 South Cherokee Lane, Person to Person Transfer, Off-Sale Beer and Wine License
- b) Victor Jr./Gerardo Anaya, Del Castillo Productos Mexicanos, 603 South Central Avenue, Person to Person Transfer, Off-Sale Beer and Wine License
- c) At the request of the City Clerk, the City Council referred to the City Attorney the Alcoholic Beverage License which had been received for TW Services, Inc., Robert Kozlowski, 401 North Stockton Street, Person to Person Transfer, On Sale Beer License

PUC APPLICATION

CC-7(f)

City Clerk Reimche presented PUC Application No. 88-05-009 - Pacific Bell, (U 1001 C) a corporation, for a review of its cost of capital and capital structure.

REQUEST TO ESTABLISH CRESCENT AVENUE AND VINE STREET AS A FOUR-WAY

STOP INTERSECTION

CC-48(h)

City Clerk Reimche presented a letter which had been received from Jeanne McMillen, 840 South Crescent Avenue, Lodi, requesting that the intersection of Crescent Avenue and Vine Street be made a four-way stop intersection.

Following discussion with questions being directed to Staff, Council Member Reid moved that the matter be referred to staff and that a report and recommendation be brought back to the City Council within sixty days. The motion was seconded by Council Member Olson, but failed to carry by the following vote:

Ayes:

Council Members - Olson and Reid

Noes:

Council Members - Hinchman, Snider and

Pinkerton (Mayor)

Following additional discussion, the matter was referred to staff with a request that it be handled in the routine order which has been established by the Public Works Department for these matters.

## REGULAR CALENDAR

ORDINANCE INTRODUCED WHICH WILL ADOPT A NEW FEE SCHEDULE FOR SEWER SERVICE AND CONNECTION FEES, OPERATIVE OCTOBER 1, 1988

ORDINANCE NO. 1428 INTRO.

CC-44 CC-51(a) CC-56 City Manager Peterson reminded the City Council that Resolution No. 86-152 was adopted at the regular meeting of October 1, 1986 setting in place a schedule of annual sewer service charges and connection fees adjustments until such time as the White Slough Water Pollution Control Plant expansion project is completed, or until that resolution is superseded. The adjustments are 15% effective each year on October 1. This action will adjust the monthly sewer service charge for a two-bedroom house from \$4.68 to \$5.38, and the connection fee from \$1,380 to \$1,587.

As the City Council is aware, the funding for this major project is now in place and construction will start next summer. The plant is scheduled to come on line in early 1991. A portion of the sewer service charges and all of the connection fees have been dedicated to assist in the funding of this and future plant expansion projects. The City Council's decision to allocate \$2,000,000 from this plant expansion fund to the project was instrumental in the City being able to secure a AAA bond rating which will save the City approximately \$1.2 million over the life of the issue. The continued assessment of these charges and fees will materially aid in the funding of the next plant expansion in the next 10-12 years or whenever necessary as dictated by growth, a most indefinite indicator at this time. Discussion followed with questions being directed to Staff.

On motion of Council Member Hinchman, Olson second, the City Council introduced Ordinance No. 1428, "An Ordinance of the Lodi City Council Adopting a New Fee Schedule for Sewer Service and Connection Fees, Operative October 1, 1988".

The motion carried by the following vote:

Aves:

Council Members - Hinchman, Olson, Reid, and

Pinkerton (Mayor)

Noes:

Council Members - Snider

Absent:

Council Members - None

Abstain:

Council Members - None

ORDINANCE INTRODUCED AMENDING SECTION 13.12.240 OF THE LODI MUNICIPAL CODE TO ESTABLISH SEWER SERVICE AND CONNECTION FEES BY ORDINANCE INSTEAD OF RESOLUTION

ORDINANCE NO. 1429 INTRO.

CC-44 CC-51(a) CC-56 City Manager Peterson apprised the City Council that sanitary sewer service rates have been adjusted in the past by action of the City Council by resolution. The City Attorney advises that from this point forward, such adjustments must be established by ordinance in accordance with State law.

On motion of Council Member Hinchman, Olson second, the City Council introduced Ordinance No. 1429, entitled, "An Ordinance of the Lodi City Council Amending Section 13.12.240 of the Lodi Municipal Code (Ordinance No. 1307) to Establish Sewer Service and Connection Fees by Ordinance Instead of Resolution". The motion carried by a unanimous vote of the City Council.

CURATIVE ORDINANCE INTRODUCED ESTABLISHING SCHEDULES FOR SEWER SERVICE AND CONNECTION FEES, NUNC PROTUNC, FOR PERIODS BETWEEN OCTOBER 1, 1986, AND SEPTEMBER 30, 1987; AND FOR THE PERIOD OCTOBER 1, 1987 TO SEPTEMBER 30, 1988

ORDINANCE NO. 1430 INTRO.

CC-44 CC-51(a) CC-56 City Manager Peterson advised the City Council that sewer service charges and connection fees have in the past been adjusted by action of the City Council by resolution. The City Attorney advises that, pursuant to Health and Safety Code Section 5471, such charges and fees are required to be set by ordinance.

On motion of Council Member Reid, Hinchman second, the City Council introduced Ordinance No. 1430, entitled, "A Curative Ordinance of the Lodi City Council Establishing Schedules for Sewer Service and Connection Fees, Nunc Pro Tunc, for Period Between October 1, 1986 and September 30, 1987; and for the Period October 1, 1987 to September 30, 1988". The motion carried by unanimous vote of the City Council.

REQUEST FOR RIGHT-OF-WAY ENCROACHMENT, 1029 SOUTH SACRAMENTO STREET

CC-6 CC-27(a) Mayor Pro Tempore Snider reported that representatives of the City had met with representatives of Interlake/Lodi Fab, Inc. to make an on-site evaluation regarding their request for a right-of-way encroachment at 1029 South Sacramento Street.

Following the inspection, it is the recommendation of Mayor Pro Tempore Snider and Council Member Reid that Interlake/Lodi Fab, Inc. be given a six month grace period to relocate the refuse bin presently located in the public right-of-way.

Mr. Steve Mathias representing Interlake/Lodi Fab, Inc., addressed the City Council stating that his company was supportive of the recommendation.

On motion of Council Member Reid, Hinchman second, the City Council granted Interlake/Lodi Fab Inc. a six-month grace period to relocate a refuse bin presently located in the public right-of-way.

REVIEW OF COMPLAINT RECEIVED REGARDING BUSES LOADING AND USING THE CITY-OWNED PARKING LOT LOCATED ON THE CORNER OF EAST LOCKEFORD STREET AND NORTH WASHINGTON

STREET -

CC-16 CC-27(a)

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At its regular meeting of July 20, 1988 the City Council heard a complaint from a representative of the American Legion concerning the utilization of the parking lot across the street from the Legion Building. The issue is that the lot is used once or twice a week as a pick-up point by "gamblers' special" buses. People using these buses are picked up at that lot, leaving their cars parked there from about 7:00 a.m. to 8:00 p.m. The American Legion feels this interferes with evening activities, primarily bingo, held there once or twice a week. The staff is currently researching the frequency and magnitude of these conflicts. The ultimate solution may be in the consideration of a joint effort of the City and the Grape Festival in putting additional lighting in the parking lot on the north side of the Grape Bowl.

The following persons addressed the City Council regarding the matter:

- a) Mr. Al Haupt, 727 North Grant Avenue
- b Mr. Stanley Harkness, 700 Cardinal
- c) Mr. Ed Jackson, 323 Barrington Way

A lengthy discussion followed with questions being directed to Staff and to those who had addressed the City Council regarding the matter.

Council Member Reid moved that the City Council take no action on the matter. The motion was seconded by Council Member Hinchman but failed to pass by the following vote:

Continued August 3, 1988

Ayes: Council Members - Hinchman and Reid

Noes: Council Members - Olson, Snider and Pinkerton (Mayor)

Following additional discussion, on motion of Mayor Pro Tempore Snider, Pinkerton second, the City Council asked that representatives of both sides of the issue meet to seek an amicable solution. Further, they were asked to report back to the City Council at its first meeting in September to report on what they had agreed upon.

The motion carried by the following vote:

Ayes: Council Members - Olson, Snider, and

Pinkerton (Mayor)

Noes: Council Members - Hinchman and Reid

AWARD - CONTRACT FOR ASBESTOS REMOVAL, 125 SOUTH HUTCHINS STREET

RES.NO. 88-105

CC-12(a) CC-12(d)

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On motion of Council Member Hinchman, Reid second, the City Council adopted Resolution No. 88-105 awarding the contract for Asbestos Removal, 125 South Hutchins Street, Lodi, to PEM Insulation Company, Inc. in the amount of \$7,450 and appropriated \$8,500 from the Capital Outlay Reserve to complete the project.

The City Council was apprised that this project is for the removal of the asbestos containing roofing of the custodial building at Hutchins Street Square prior to demolition of the structure by others.

Plans and specifications for this project were approved on July 20, 1988.

The City received the following five bids for this project:

LOCATION	BID
	\$ 8,500
Benicia	7,450
Stockton	9,506
Erospo	11,300
Fresio	11,300
Roseville	14,425
Mokelumne Hill	16,650
	Benicia Stockton Fresno Roseville

AWARD - CONTRACT FOR ASPHALT CONCRETE OVERLAY, LOWER SACRAMENTO ROAD AT LODI AVENUE

RES. NO. 88-106

CC-12(a) CC-12(d) The City Council, on motion of Council Member Hinchman, Olson second, adopted Resolution No. 88-106 awarding the contract for Asphalt Concrete Overlay, Lower Sacramento Road at Lodi Avenue, to Claude C. Wood Company in the amount of \$29,955 and appropriated \$33,000 from the 34 Fund to complete the project.

The City Council was advised that this project consists of an asphalt concrete overlay of the intersection of Lodi Avenue and Lower Sacramento Road. The work will provide a smooth tie-in to the work done with adjacent developments and includes traffic signal conduits for the future traffic signal.

Plans and specifications for this project were approved on July 20, 1988.

The City received the following three bids for this project:

BIDDER	LOCATION	BID
Engineer's Estimate Claude C. Wood Company Teichert Construction Granite Construction	Lodi Stockton Stockton	\$20,560.00 \$29,955.00 \$38,103.25 \$39,484.00

Although the estimate is well above the Engineer's estimate, it was recommended the city proceed with the project for the following reasons:

- The work will be done by the same Contractor doing the work at Parkview Terrace and will complete the paving at the intersection.
- The overlay will preclude extensive sandblasting by City forces, saving approximately \$1,500 in labor and materials and reducing inconvenience to the public.
- The estimate was too low, mainly in the signal conduit work.
- The specifications called for doing the work on a weekend. Based on a conversation with the Raley's manager, it would be better to do the work on Monday or Tuesday. This change will be made and will save \$1,200.
- It will be at least two years before a major rehabilitation is done on Lower Sacramento Road and the intersection should not wait that long.

VOTING DELEGATE AND ALTERNATE DESIGNED FOR ANNUAL LEAGUE OF CALIFORNIA CITIES CONFERENCE

CC-7(i)

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On motion of Council Member Hinchman, Olson second, the City Council designated Mayor Pinkerton as the voting delegate and Mayor Pro Tempore Snider as the voting alternate for the League of California Cities 1988 Annual Conference.

ORDINANCES

There were no ordinances for adoption at this meeting.

CLOSED SESSION

On motion of Council Member Olson, Hinchman second, the City Council, by unanimous vote, pursuant to Section 54954.2 (b) (2) of the Government Code of the State of California determined the need to add another item to the "Closed Session" segment of the agenda.

On motion of Council Member Reid, Hinchman second, the City Council, by unanimous vote added to the "Closed Session" segment of the agenda the following item:

3) Pending litigation - Davenport Matter

At approximately 9:40~p.m. the City Council adjourned to Closed Session regarding the following matters:

- Property acquisition property located at 107/109 North School Street
- 2) Labor relations
- 3) Pending litigation Davenport Matter

The City Council reconvened at approximately 11:20 p.m.

PROPERTY ACQUISITION 107/109 NORTH SCHOOL

STREET

On motion of Mayor Pro Tempore Snider, Hinchman second, the City Council directed the City Manager to continue negotiations regarding property acquisition at 107/109 North School Street.

CC-6 CC-27(a)

AMENDED SALARY
RANGES APPROVED
FOR CERTAIN NONREPRESENTED EMPLOYEES

RES. NO. 88-107

On motion of Council Member Reid, Olson second, the City Council adopted Resolution No. 88-107 approving amended salary ranges for certain non-represented employees

CC-34

effective July 11, 1988.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Pinkerton adjourned the meeting at approximately 11:25 p.m.

ATTEST:

Jise & Pienche Alice M. Reimche City Clerk